

DEPARTMENT OF HUMAN RESOURCES
SOCIAL SERVICES ADMINISTRATION
311 WEST SARATOGA STREET
BALTIMORE, MARYLAND 21201

DATE: March 2, 2015

POLICY #: SSA - CW#15-22
(Supersedes Policy SSA 10-12)

TO: Directors, Local Departments of Social Services
Assistant Directors, Services

FROM: Deborah Ramelmeier, Acting Executive Director
Social Services Administration

RE: Children with Disabilities – Voluntary Placement
Agreements

PROGRAMS AFFECTED: In-Home Services, Out-of-Home Placement Services,
Family Investment Administration, and Child Support
Enforcement Administration

ORIGINATING OFFICE: Child Welfare Practice & Policy

ACTION REQUIRED OF: All Local Departments

REQUIRED ACTION: Implement Policy and procedures

ACTION DUE DATE: March 16, 2015

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PURPOSE:

This policy supersedes Policy Directive SSA #10-12 and provides guidance and clarity about Voluntary Placement Agreements (VPAs) for children who have either a developmental disability or mental illness.

BACKGROUND:

The Children with Disabilities – Voluntary Placement Agreement Act was enacted to provide a voluntary out-of-home placement for a child with a documented, developmental disability or mental illness in order to provide treatment for the child related to the disability that they are unable to receive at home.

This Act requires that the parent(s) or legal guardian(s) of the child with a documented developmental disability with treatment needs that the parent(s) or legal guardian(s) is not able to provide at home, be given the opportunity to enter into a VPA with a local department of social services (LDSS).

The law also requires that a VPA hearing be held prior to the 180th day of placement and at regular 6 month intervals, thereafter. The purpose of the judicial finding is to determine if continuation of the out-of-home placement is in the child's best interest and to qualify the child for Title IV-E reimbursement.

The law prohibits the local department from seeking custody of a child via a Child in Need of Assistance (CINA) petition based solely on the child's developmental disability or mental illness.

Although the parent(s) or legal guardian(s) retains legal custody of the child while placed under the VPA, the LDSS is given the responsibility to determine the most appropriate out-of-home placement for the child based on the treatment recommendations.

If a parent is unwilling to agree to the terms of the VPA, the LDSS cannot offer this type of voluntary placement for the child. The law requires that the VPA be a binding written agreement "voluntarily entered into" between the LDSS and the parent(s) or legal guardian(s) of the child and that the VPA be approved by the Social Services Administration (SSA) in the Department of Human Resources (DHR).

Family law- Central Registry-Exception Act of 2003 prohibits placement of a parent(s) or legal guardian(s) on the Child Abuse Central Registry when they refuse to take a child home from a psychiatric hospital or other facility because of a reasonable fear for the safety of the child or other family members. However, the local department will continue to investigate and act upon allegations of child maltreatment as prescribed by statute.

The LDSS shall present all VPA requests at the Local Care Team meetings.

ACTION:

The following information explains the policies and procedures for any VPA.

I. Initial Request for a VPA**A. Who may Request a VPA:**

1. A parent
2. Legal guardian
3. The Court
 - a. In a hearing conducted in accordance with Courts & Judicial Proceedings §§ 3-815, 3-817 or 3-819, before determining whether a child with a developmental disability or mental illness is a child in need of assistance, the Court shall make a finding as to whether the LDSS made reasonable efforts to prevent placement of the child in the local department's custody by determining whether the local department could have placed the child in accordance with a VPA under Family Law§5-525 (a) (1)(i) or (iii).
 - b. If the court finds that the LDSS did not make reasonable efforts, the court will:
 - i. Hold in abeyance a finding of whether a child with a developmental disability or mental illness is a CINA;
 - ii. Order the local department to asses or reassess the family and child's eligibility for placement using a VPA; and
 - iii. Order the local department to report back to the Court in writing within 30 days unless the Court extends the time period for good cause shown.
 - c. If the LDSS does not find the child eligible for a VPA, the Court shall hold a hearing to determine whether the family and child are eligible for placement of the child through a VPA; and
 - i. After the hearing, find that the child is not in need of assistance and order the local department to place the child in accordance with a voluntary placement agreement;
 - ii. Find that the child is in need of assistance; or
 - iii. Dismiss the case.

B. How to make a request:

1. The parent(s) or legal guardian(s) contacts their LDSS via telephone or in writing to make a request for a Child with Disabilities VPA. The parent(s) or legal guardian(s) shall apply in the county in which the person with legal custody resides, even if the child currently resides in a different county or state.
2. A request may not be initiated by a third party, such as a hospital or treatment personnel.

II. Conditions for a Child with Disabilities VPA

- A. The LDSS shall accept a request for a voluntary placement for children with disabilities under the following conditions.
1. The child has a documented developmental disability or a mental illness;
 2. The child requires an out-of-home placement directly related to the documented disability;
 3. The parent is unable to provide treatment or care;
 4. A treatment provider – medical doctor, psychologist, or psychiatrist – has provided a written recommendation detailing the need for an out-of-home placement;
 5. The goal is reunification with the family at the conclusion of treatment;
 6. A Local Care Team (LCT) meeting has been held to determine whether an alternative or interim service for the child and family may be provided by any State agency;
 7. The LDSS shall make reasonable efforts to prevent placement;
 8. An appropriate placement and placement date has been determined as follows:
 - i. The placement is in the least restrictive setting; and
 - ii. Is not a psychiatric hospital.
 9. DHR/SSA must approve the VPA by signing the Children with Disabilities VPA checklist;
 10. The parent and the Child Support Enforcement Agency (CSEA) must either finalize a binding legal child support agreement detailing the amount and manner for child support payments, or the CSEA shall file the case with the Clerk of Court and a hearing will be scheduled if the parent(s) disputes the amount of the child support; and
 11. Both parents, a parent with sole legal custody, or a legal guardian has signed a VPA, which gives the LDSS the responsibility for placement and care decisions related to the child.
- B. A VPA request can be initiated prior to a receipt of a written recommendation for out-of-home placement. If the parent(s) does not have the written recommendation for an out-of-home placement, the local department shall assist the family to obtain the required documentation.
- C. The LDSS shall make reasonable efforts to prevent an out-of-home placement prior to entering into a VPA. Both parents shall be engaged in the decision to enter into a VPA. If the child is in the physical custody of one parent the whereabouts and status of the non-custodial parent shall be ascertained. The ability of the non-custodial parent to meet the child's needs without a VPA shall be assessed. Both parents shall be included in all planning meetings, unless there is a court order to the contrary. If the identity or current whereabouts of the non-custodial parent is unknown, the LDSS may proceed with planning with the custodial parent. This does not remove the requirement that the LDSS continue to make reasonable efforts to locate the absent parent and other family members during a current VPA.
- D. If the parent(s) or legal guardian(s) refuses to take the child home from the psychiatric hospital or other facility because of a reasonable fear for the safety of the child or other

family member, and the facility indicates that the child can be treated at home in their own community, the LDSS shall assess the situation to determine whether the alleged fear is reasonable under the circumstances. If it is determined to be reasonable, the LDSS may not use the circumstance as the basis for an indicated finding of neglect. If the LDSS determines that the basis for the parent('s) objection cannot be substantiated, the LDSS may use the circumstances as a basis for a CINA petition.

III. Responsibilities of Other Agencies for Placement

A. Residential Treatment Recommendations

1. The local Core Service Agency is charged with being the lead agency for children who are on Medical Assistance (MA) entering a residential treatment center (RTC) and who are not in the custody of a State agency. The LDSS shall not initiate the VPA process for a child in need of a RTC if the child currently receives MA and the local school system has approved funding for such a placement. The LDSS is also not needed if the RTC will send the child to the public school system for the child's education. The LDSS shall refer the parent to the Core Service Agency for sending out packets, securing the placement, and providing case management services during the placement.
2. A VPA shall only be appropriate when a child is in need of a RTC placement, and the local school system Individualized Education Program (IEP) team has not agreed to the need for a non-public school placement. The LDSS shall assist the family in appealing the denial of a non-public school placement through the school system. The VPA shall be terminated if the IEP team subsequently approves funding and the case shall transfer to the Core Service Agency for ongoing case management and discharge planning.
3. If a child needs placement in a RTC and the local school system's IEP team has or will approve the child attending a non-public school, but the child is not currently eligible for MA, a VPA will be appropriate. In virtually all cases, children placed in RTCs will qualify for MA 30 days after admission. MA eligibility continues while the child remains in a RTC and for 90 days following discharge. Once MA is activated and the education costs are covered by the local school system, the VPA is no longer needed to fund the placement. The VPA shall be terminated and the case management responsibility transfers to the Core Service Agency. A LCT meeting will be held prior to termination of the VPA to effectuate transfer of case management responsibilities.

IV. Developmentally Disabled Children

- #### **A.**
- An inquiry shall be made to the local Developmental Disabilities Administration's (DDA) office for any VPA request for a child with a developmental disability to determine if the child is known to DDA.

- B. If the child seems to have a developmental disability and is not known to DDA, the parent(s) or legal guardian(s) shall immediately file an application to DDA.
- C. If the child is known to DDA, the local department shall inquire whether any services are currently being provided to the child or were provided in the past.

V. Child Enrolled in a Medicaid Waiver

- A. For children with autism, developmental disabilities, or medically fragile conditions, the local department shall determine if the child is currently enrolled in a Medicaid Waiver program including the Autism Waiver, the Developmental Disabilities (DD) waiver (Community Pathways or New Directions) or the Model Waiver.
- B. If a child is enrolled in the Autism Waiver or the DD waiver program, the local department shall contact the Autism Waiver case manager or the DD service coordinator for the child. Community-based residential care is a covered service under these waiver programs. If the Autism Waiver Multi-Disciplinary team determines that residential care is necessary for the child, a VPA is not needed.
- C. Residential services are not covered by the Model Waiver program. If a child is enrolled in the Model Waiver program and needs residential care, a VPA may still be needed. If the child is placed under a VPA, the local department shall contact the case manager of the Model Waiver and the parents will be informed whether the child will be terminated from the Model Waiver.
- D. If a child is in the custody of a State agency, the family will not be eligible for a VPA. The child must be in the custody of a parent or legal guardian to be eligible for a VPA.

VI. Assessment for a Voluntary Placement Agreement

- A. The LDSS shall schedule an assessment meeting to be held within 5 working days of the VPA request. The LDSS will provide to the parent(s) or legal guardian(s) an introduction letter that includes the appointment date and location of the assessment meeting and a checklist of necessary materials the parent(s) or legal guardian(s) must submit for a Child with Disabilities VPA.
- B. It is optional for LDSS to convene a Family Involvement Meeting (FIM) prior to signing a VPA as long as an assessment meeting and LCT review have taken place. However a FIM shall be scheduled with the family when the terms of the agreement are modified, placements are changed, or prior to a VPA court review hearing. In addition, the local department is required to schedule a FIM if the court orders a VPA.
- C. During the assessment meeting or a FIM, the local department representative shall obtain the following information from the parent(s) or legal guardian:
 - 1. Signed release of information form;
 - 2. Verbal disclosure of reason for the VPA request;

3. Written recommendation from a treatment provider (medical doctor, psychologist, or psychiatrist) detailing the need for an out-of-home placement. The treatment provider can be community-based even if the child is currently in a facility;
 4. Verbal disclosure of the child's placement history;
 5. Verbal disclosure of family's strengths and limitations;
 6. Verbal disclosure of services the child has previously received to prevent placement;
 7. Verbal disclosure of Child Protective Services history and signed consents from parent or legal guardian to complete Child Protective Services clearances;
 8. Copies of legal documents (divorce decrees, custody agreements, child support orders, and so forth);
 9. Copy of child's birth certificate;
 10. Copy of child's social security card;
 11. Verbal disclosure of relevant medical information, such as:
 - i. Hospitalizations;
 - ii. Child's medical history;
 - iii. Child's mental health history; and
 - iv. Family's mental health history;
 12. Verbal disclosure of educational history and status, such as:
 - i. Copy of current Individualized Education Program (IEP); and
 - ii. Identification of current school placement.
- D. The LDSS shall provide the following information and guidance to parents or legal guardians during the assessment phase, which includes:
1. Explanation of the role of the agency, the requirements of Child with Disabilities VPA and Out-of-Home Placement Services, including a clear disclosure that entering into a VPA does not transfer legal custody to the LDSS;
 2. A description of the placement process and decisions that are made by the child placement agency regarding the acceptance or denial of the child. (818 process, in-state and out-of-state referrals);
 3. During the assessment phase, parents must be informed of their responsibility to maintain financial responsibility for the child, including the obligation to pay child support. This does not apply to legal guardians who do not have an obligation to financially support the child.
 4. Informing the parent(s) that child support and/or entitlement benefits will be assigned to the State.
 5. Providing the parent(s) with the forms necessary to apply for child support services and share the child support brochure along with Internet address for the Maryland Child Support Enforcement program (http://www.dhr.state.md.us/blog/?page_id=10276) with the parent(s) to further assist them with the decision to request a voluntary placement.
 6. The parent(s) shall be informed that the amount of any child support order will be determined based on the Maryland Child Support Guidelines pursuant to the Annotated Code of Maryland Family Law §12-201 through §12-204, and that the order will be enforced under applicable federal and state laws.
 7. An explanation of the purpose of the LCT. Upon receipt of a request for a voluntary placement agreement for a child with a developmental disability or mental illness, the local department shall discuss the child's case at the next meeting of the LCT to

- determine whether any alternative or interim services for the child and family may be provided by any agency. Parent(s) or legal guardian(s) shall sign a waiver for 10 day notice, to allow for immediate scheduling of the LCT;
8. A discussion of the placement decision, which will ultimately be made by the local department with input from the parent(s) or legal guardian(s), including the fact that RTC placement recommendations shall be dated within 30 days of admission date;
 9. Informing the parent that financial responsibility for placement and monthly maintenance costs will be theirs until the voluntary placement agreement is signed and the child is placed;
 10. Informing the parent(s) or legal guardian(s) that a VPA does not circumvent the obligation of the LDSS to investigate allegations of child maltreatment and to act upon the results of the investigation, as prescribed by statute;
 11. Informing the parent(s) that the LDSS assumes financial responsibility for the placement after the VPA is signed and the child is placed; and
 12. A discussion explaining the appeal process (See section IX, VPA Decision for more information).
- E. The LDSS shall complete a SAFE-C and Maryland Family Risk Assessment of the child's home as part of the determination of the appropriateness of a voluntary placement. The LDSS shall also seek the family's participation in the assessment of both strengths and needs, and complete the initial service agreement.
- F. The LDSS representative shall complete and submit the referral packet to the LCT and ensure that the case is placed on the schedule for the next LCT meeting. If the next scheduled meeting is more than 7 days after the request, an emergency LCT meeting shall be convened. The purpose of the meeting is to determine whether any alternative or interim services for the child and family may be provided by any agency to prevent out-of-home placement. LCT approval is not needed to enter into a VPA.

VII. Child Support Requirements

- A. Each LDSS shall establish procedures to ensure prompt handling of VPA referrals by the local child support office and the exchange of information between child welfare staff and child support staff throughout the VPA process.
- B. Child Welfare staff at the LDSS shall notify the Child Support Enforcement Administration immediately after the VPA assessment meeting.
- C. The parent(s) will meet with CSEA to establish the monthly child support payment. The parent(s) shall complete the forms necessary to apply for child support services and provide the CSEA with financial and other information necessary to establish a binding legal agreement (consent order or Affidavit of Support).
- D. The top of the Child support applications need to indicate "VOLUNTARY PLACEMENT". This will notify the CSEA that the \$25.00 application fee is waived.

- E. If child support payments are being made by a non-custodial parent, the custodial parent shall assign to the State all rights to receive said payments while the child is under a VPA.
- F. Legal guardians are not required to contribute to the support of children. If the guardian is receiving child support, those payments shall be assigned to the State as long as the child is placed in an out-of-home placement. The LDSS shall pursue child support from the child's parents via normal foster care process once the VPA is signed.
- G. The child welfare staff at the LDSS can sign the VPA with the parent under the following conditions:
 - 1. If the parent(s) cooperate with CSEA and agree to pay the child support payments determined by the CSEA guidelines, a binding legal agreement shall be signed to pay child support beginning at the date of the child's placement;
 - 2. If the parent(s) cooperate with CSEA, but do not agree with the amount of the monthly child support payment determined by the CSEA guidelines, they can request a court hearing. The following shall then apply:
 - a. If the parents request a hearing, the CSEA shall file with the Clerk of Court and schedule a court hearing on the next available court date. Once a judge determines the amount that the parent(s) is required to pay, the parent(s) will be responsible for the child support payments effective from the date of placement.
- H. The CSEA will notify the child welfare staff when either the binding legal agreement is signed or when a parent(s) requests a court hearing.
- I. The child welfare staff at the LDSS shall notify the CSEA of the placement date 2 weeks prior to the placement date by using Change Notice - Child Support Enforcement Notice DHR/SSA 957 FC. The CSEA will take the necessary steps to ensure child support commences on the date of the child's placement.

VIII. Parent Responsibilities

- A. The parent(s) must agree to pay child support during their child's placement.
- B. The parent(s) shall agree to maintain any existing health care coverage on behalf of the child. This is used as the primary coverage to pay for the child's health care needs while in an out-of-home placement.
- C. If there is no existing health care coverage and the parent(s) have employment that offers health care, they shall enroll the child for health care coverage at the first opportunity.

- D. The parent(s) or legal guardian retain legal custody of the child under the VPA, even after the court hearing. The parent(s) or legal guardian(s) retain all decision making authority as to the health, education, and all other issues, except the physical placement of their child.
- E. The parent(s) are legally and financially responsible for their child under a VPA, except for placement costs paid by the LDSS. This includes responsibility for transportation costs for the child not covered by the placement and transportation for visitation, court hearings, and other necessary appointments. The parent(s) shall work closely with the placement provider to schedule necessary appointments. This includes the parent(s) signing necessary releases and consents.
- F. The parent(s) or legal guardian(s) shall participate fully in the treatment plan for their child, including attending therapy sessions, treatment plan meetings, and any other actions deemed necessary for the child's treatment and reunification. Failure to participate in treatment may be used as grounds for rescinding the VPA.
- G. The parent(s) or legal guardian(s) will review the child's health care needs with the caseworker and complete the child's Medical Passport with the help of the LDSS.

IX. VPA Decision

- A. The LDSS shall render a written decision regarding eligibility within 5 working days of the LCT meeting and send this decision to the parent(s) or legal guardian(s).
- B. If the child is appropriate for a Children with Disabilities VPA, the LDSS shall locate a placement that will meet the child's needs in the least restrictive setting. While the parent(s) or legal guardian(s) may have input regarding the placement resource for the child, the LDSS makes the final placement decision.
 - 1. The VPA cannot be signed until the child has been accepted and is ready to be placed in an appropriate placement. An appropriate placement can be an interim respite or diagnostic placement if that type of placement is in line with treatment recommendations and the child meets the criteria for placement in respite or diagnostic placement.
 - 2. Resource referrals will be submitted in accordance with existing policies and procedures. While the child is awaiting placement, In-Home Family Services may be provided to support the family.
- C. The LDSS shall submit Children with Disabilities Voluntary Placement Checklist CDHR/SSA 296 via fax to the Social Services Administration's (SSA) Voluntary Placement Coordinator. The checklist can be submitted prior to identifying the prospective placement. The checklist must be reviewed for completion by SSA prior to signing the VPA. SSA shall fax the signed checklist back to the local department within 2 business days.
- D. When a student entering into a VPA is attending a special education nonpublic school program, the LDSS shall notify the local school system nonpublic office to assure that the transition does not result in an interruption of services.

- E. The signed Children With Disabilities Voluntary Placement Agreement grants care and placement responsibility to the LDSS, states that the parent(s) or legal guardian(s) shall retain legal custody of the child, and lists the rights and obligations of the parent(s) or legal guardian(s), child and the LDSS. **The parent(s) or legal guardian(s) and agency representative sign the VPA on the date the child is admitted to the appropriate placement.** The LDSS shall send the Family Services Intended Action Letter DHR/SSA 1068 to the parent(s) or legal guardian notifying them of the decision. The Intended Action Letter shall include instructions for appealing the local department decision.
- F. Denial of Request: If the child is not appropriate for a Child with Disabilities – Voluntary Placement
1. Within 5 calendar days of the denial, the local department shall send the Family Services Intended Action Letter DHR/SSA 1068 to the parent(s) or legal guardian(s) which includes the reason why the request was denied and what services can be offered. The LDSS shall include instructions for appealing the LDSS decision. The LDSS may offer In-Home Family Services or refer the parent(s) or legal guardian(s) to community services to support the family in caring for the child's needs.
- G. Appeal Process
1. Parent(s) or legal guardian(s) requests supervisor conference in writing.
 - a. The conference shall be held within 10 days of request.
 - b. The purpose of the conference is to disclose the reason for the decision and provide the parent/guardian with an opportunity to ask questions relating to the decision.
 2. If the parent(s) or legal guardian(s) disagrees with conference outcome, the LDSS shall provide necessary forms and assist the parent with formally appealing the decision with the Office of Administrative Hearings (OAH). The parent(s) or legal guardian(s) has 90 days from the decision notification date to file DHR/SSA 315 – A Request for Administrative Hearing with the Office of Administrative Hearings.

X. Out-of-Home Placement Services

- A. VPA: The Children with Disabilities – Voluntary Placement form DHR/SSA 582 is the VPA.
- B. Both parents, the parent with sole legal custody, or the legal guardian, and the LDSS representative shall sign the form. If one of the parents is not available and legal custody has not been established by court order, the parent with physical custody may sign the form.
- C. The LDSS shall include the child in the discussion on drafting the agreement, as developmentally appropriate.
- D. The agreement specifies the legal status of the child, along with the rights and obligations of the parent(s) or legal guardian(s), the child and the LDSS.

- E. The agreement does not negate the LDSS's responsibility to investigate and act upon allegations of child maltreatment as prescribed by statute.
- F. The date that the agreement is signed by all parties is the entry date into Out-of-Home Placement (OHP) and is the date technical and case plan requirements for OHP services begin.

XI. LDSS Responsibilities under the VPA Agreement

- A. Once the VPA agreement has been signed, the Department is obligated to provide funding to pay the contracted board rate for the placement. The Department shall also provide funding for education, if applicable.
- B. The child placed under this agreement is entitled to receive case management services necessary to achieve reunification or another permanency plan that is appropriate for the child.
- C. Every child in a placement resource under a VPA shall have a written case plan and service agreement as part of the case record. The service agreement shall be developed with the parent(s) or legal guardian(s) of the child. The case plan will document the child's progress, services, safety, medical and educational needs, as well as the parent's support and involvement.
- D. The utilization of flex funds to pay for services not covered by the monthly board rate shall be at the sole discretion of the LDSS.

XII. Educational Services

- A. All school aged children placed under the provision of "Voluntary Placement" are required to have their Individual Education Program (IEP) implemented. If a change in school placement is required as a result of the voluntary placement, the appropriate IEP team procedures shall be followed to assure that there is no interruption in the child's IEP and related services.
- B. The parent(s) or legal guardian(s) is responsible for keeping the local school system informed of their status, including updating their home address in the event of a move.

XIII. Authorization of Medical Assistance

- A. The parent(s) shall maintain any existing health care coverage on behalf of the child and it is to be used as the primary coverage to pay for the child's health care needs while in an out-of-home placement. The secondary health coverage shall be Medical Assistance.
- B. Medical Assistance Application Process
 - 1. The service caseworker shall provide the application to the parent(s) or legal guardian(s).

2. The parent(s) or legal guardian(s) shall complete the Medical Assistance application with the help of the local department. The parent(s) or legal guardian(s) shall sign the application, which is a federal requirement, and provide the required documents to process the application.
3. The service caseworker provides the completed application for medical assistance along with required documents to the FIA caseworker for certification and eligibility determination.

XIV. Court Requirements Under a Voluntary Placement Agreement

- A. The LDSS may not seek custody via the CINA statute as long as the child has a developmental disability or a mental illness and the placement is needed to obtain treatment or care related to the child's disability. This presumes there is no documented finding of child abuse or neglect which raises concerns for the child's safety.
- B. In those instances when there are documented findings of child abuse or neglect and the parent is unable or unwilling to provide proper care and attention, the local department may file a petition for CINA.
- C. Continuation of VPA
 1. A VPA is in effect for 180 days or until the child's 18th birthday, whichever occurs first. In order to continue the VPA, the local department shall file a petition to request a Voluntary Placement Hearing in order to obtain a judicial determination that the child's disability continues to necessitate care or treatment in an out-of-home placement and continuation of a voluntary placement is in the best interest of the child. The petition shall be filed timely to ensure that the court hearing occurs prior to the 180th day or the child's 18th birthday, whichever occurs first.
 2. There shall be written documentation from a treatment provider that treatment and care continues to be needed due to the child's developmental disability or mental illness.
 3. The petition shall be filed in the county where the parent(s) or legal guardian(s) resides.
 4. If the child will turn 18 prior to the 180th day and the youth's best interest is served by continuation of VPA following the 18th birthday, the local department shall file a petition in a timely manner to ensure that the court hearing occurs prior to the 18th birthday.
- D. The packet for submission to the court shall include:
 1. Voluntary Placement Petition;
 2. Voluntary Placement Agreement (copy);
 3. Case Plan;
 4. Court Summary;
 5. Progress report regarding treatment and placement needs from the treatment provider;
 6. Request to assign counsel for the child; and
 7. Proposed Order.

6. Request to assign counsel for the child; and
 7. Proposed Order.
- E. The court shall make one of the following findings:
1. The voluntary placement is in the best interest of the child and the voluntary placement continues according to the agreement;
 2. The voluntary placement is in the best interest of the child and the voluntary placement is continued with the agreement amended;
 3. If necessary to ensure the care, protection, safety, and mental and physical development of the child, the local department may be ordered to file a CINA petition; or
 4. The voluntary placement is terminated and the child returned home with or without supportive services.
- F. The court shall hold hearings for Children with Disabilities –Voluntary Placement every six months until the child is no longer under a VPA.
- G. The VPA may be extended up to the 21st birthday, but the VPA shall end on the day of the youth's 21st birthday.

XV. Terminating a Voluntary Placement Agreement

A. During the Assessment Phase:

1. If, during the course of the assessment, the family relocates to another jurisdiction within the State, and it is determined that continued intervention is necessary, that LDSS where the family has relocated shall be notified immediately by telephone and the family's request forwarded to the new jurisdiction;
2. If, during the course of the assessment, the parent moves out of Maryland, the request for a VPA shall be denied. The LDSS shall provide the parents with contact information for child welfare services in the new state;
3. If, during the course of the assessment, custody transfers from the parent(s) or legal guardian(s) to another individual or child placement agency (such as Department of Juvenile Services), the VPA request shall be denied;
4. When the plan is to close the case during the assessment phase, the caseworker shall meet with the family to discuss the following:
 - i. The reason for closing;
 - ii. The safety plan or service plan that has been established for the child;
 - iii. The family's progress; and
 - iv. The resources and options available to the family within their community.
5. The worker shall send a closing letter to the family within 5 calendar days of case closing decision detailing the reasons for case closure and appeal rights.

B. After a VPA has been signed and prior to a voluntary placement hearing:

1. When the parent(s) or legal guardian(s) who signed the agreement provides the LDSS with a written revocation of the agreement, the child will be returned to the parent(s) or legal guardian(s) within 15 calendar days of the revocation notice. If the LDSS

does not agree that return home is in the child's best interest or that the child's safety will be compromised, a CINA petition may be filed;

2. The child has completed needed treatment and is ready for discharge from an out-of-home placement with a recommendation to return home;
3. The parent(s) or legal guardian(s) who signed the agreement moves out-of-state;
4. The parent(s) or legal guardian(s) who signed the agreement fails to fulfill the terms of the agreement including the parent refusing to pay child support in accordance with a child support order; and the local department provides to the parent(s) or legal guardian(s) 15 calendar days written notice which includes details of the reason for rescission and an explanation of appeal rights and the local department has discussed available placement plans and options with the parent(s) or legal guardian(s);
5. Medical Assistance has been activated for a child placed under a VPA in a RTC and education funding is approved by the local school system. The VPA shall be terminated and case management responsibility transferred to the Core Service Agency. An LCT meeting will be held to effectuate transfer of case management responsibility prior to ending the VPA; or

C. Custody is transferred from the parent(s) or legal guardian(s) to another individual or child placement agency (such as Department of Juvenile Services):

1. If the family relocates to another jurisdiction in Maryland after the VPA has been signed, the LDSS shall determine, in consultation with the family and the jurisdiction where the family relocated, whether the child's interests are best met by continuing the VPA with the initial jurisdiction or if the VPA should be transferred to the jurisdiction where the family resides.

D. After VPA hearing has been held:

1. Once the VPA hearing has been held, the agreement may not be rescinded without court approval. The request to close the VPA will be provided to the parent(s) and all counsel simultaneously with notice to the court.
2. The LDSS shall request that the court terminate jurisdiction and close the VPA if:
 - i. The child has completed treatment and is ready for discharge from out of home placement;
 - ii. The parent(s) or legal guardian(s) fails to fulfill the terms of the agreement or moves out of state;
 - iii. Custody is transferred from the parent(s) or legal guardian to another individual or child placement agency (such as Department of Juvenile Services);
3. The parent(s) or legal guardian(s) requests revocation of the VPA in writing.

E. Closing Procedures:

1. Discharge Planning - Prior to terminating a VPA, the LDSS shall assess the need of ongoing services and make appropriate referrals to support the child and family in the community.
2. The case will be closed in out-of-home placement on the date the child leaves the out of home placement.

4. The LDSS shall initiate a redetermination of the child's eligibility for medical assistance to determine the child's eligibility for continued health care service. If it is determined that the child is not eligible, the Medical Assistance case will be closed.

XVI. Administrative Issues

A. Designation of VPA Staff person in the LDSS:

1. Each LDSS shall designate (from existing staff) a person to administer/track requests for voluntary placement agreements for children with developmental disabilities or mental illness.
2. The LDSS shall forward the name of the assigned staff person to SSA for placement on the VPA Coordinator list. The LDSS shall update this list with SSA in the case of staff changes.

B. Training Requirements:

1. LDSS staff who are responsible for completing assessments for VPAs shall complete 3 hours of training each year;
2. The training will cover current policies and practices to ensure consistency across jurisdictions.

C. MD CHESSIE:

1. All requests for Voluntary placement shall be entered into CHESSIE as Non-CPS requests for service "Voluntary Placement Request".
2. A service case shall be opened with a program assignment of "Auxiliary Services – VP (Request) Services" for all clients.
3. When the VPA is signed and placement is made, the worker shall update MD CHESSIE to indicate VPA placement. Removal type is "child with disabilities voluntary placement" and legal custody is "voluntary placement agreement to DSS". MD CHESSIE will automatically create program assignment "Out-of-Home Placement" for the child. The parent(s) or legal guardian(s) shall be opened in the program assignment "Auxiliary – Parent(s) or legal guardian(s) of a child in out of home". If there are any children remaining in the home, they get a program assignment only if the LDSS is providing services to the family on behalf of that child.

D. VPA Forms:

1. The policy directive may be accessed on DHR's knowledge base under SSA and then Policy Directives.
2. The required forms are posted on DHR's knowledge base under SSA, and in both in-home services and out-of-home placement. The CSEA information and forms can be found at www.marylandchildsupport.org.